

MINUTES

CITY OF CEDAR PARK REGULAR SCHEDULED CITY COUNCIL MEETING CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD

THURSDAY, APRIL 12, 2012 AT 6:30 P.M.

Mayor Bob Lemon
VACANT, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Lowell Moore
Tony Dale, Council Place Five
Don Tracy, Council Place Six
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:32 p.m.
Place One vacant, all others present.
- A.2 Invocation. (5)
Invocation given by Councilmember Dale.
- A.3 Pledges of Allegiance (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: A Proclamation Recognizing National Public Safety Telecommunications Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Public Safety Telecommunications Week 2012 to representatives of the Cedar Park Police Department.
- A.5 Presentation: A Proclamation Recognizing National Crime Victims' Rights Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Crime Victims' Rights Week 2012 to representatives of the Cedar Park Police Department.
- A.6 Presentation: A Proclamation Recognizing National Animal Control Appreciation Week 2012.
Mayor Lemon read and presented a Proclamation recognizing National Animal Control Appreciation Week 2012 to representatives of the Cedar Park Police Department.
- A.7 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Gillis Bartles addressed Council regarding the support for the renaming of Creekside Park to honor his late wife, Janet Bartles.

JoAnne Smith, Lago Vista, addressed Council regarding safety concerns with 183A and RM1431 and prohibiting u-turns.

Maria Talamo addressed Council regarding the Arts Advisory Board and the funding sources and methodology.

A.8 Mayor and Council Opening Comments.

Mayor Lemon commented on the Heritage Festival event.

Councilmember Tracy commented on speaking to Leander ISD students about employment and jobs.

Councilmember Dale acknowledged Boy Scout Troop 271 in attendance at the meeting. He also commented on the ribbon cutting for Brushy Creek Road East, and thanked the Chamber of Commerce for the recent candidate forum. He requested a future agenda item for the April 19th special called meeting to appoint Stephen Thomas to Place One and Swearing In Ceremony.

Mayor Pro Tem Moore commented on the ribbon cutting for Brushy Creek Road East.

Councilmember Mitchell requested a future agenda item for appointment to Place Three on the Planning and Zoning Commission. He also commented on May being Older Americans Month.

Councilmember Fuller commented on the Chamber of Commerce Barbeque Cook-Off Event, and thanked Applebee's for their assistance with funding raising for the Veterans Memorial and American Legion Post 911. He would like a Proclamation to honor their support of Veteran issues and programs in Cedar Park.

Mayor Lemon commented on this being the last meeting at the library before moving to the new Council Chambers.

A.9 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. April Christiansen, Court Administrator - Five Years Of Service.

Josh Selleck, Interim Assistant City Manager, presented April Christiansen with a plaque for five years of service with the City.

b. Tim Dean, Recreation Manager - Parks And Recreation, Fifteen Years Of Service.

Curt Randa, Parks and Recreation Director, presented Tim Dean with a plaque for fifteen years of service with the City.

A.10 City Manager Report: Update For the Ribbon Cutting And Dedication Ceremony For the City Hall Campus - Katherine Woerner, Director of Community Affairs.

Katherine Woerner, Director of Community Affairs, updated Council on events planned for the City Hall Campus ribbon cutting and dedication. The events will be on April 19th beginning at 6:00 p.m.

A.11 City Manager Report: Update On The Keen On Clean Citywide Clean Up Event - Nanette McCartan, Utility Billing Supervisor.

Nanette McCartan, Utility Billing Supervisor, provided information on the city-wide clean up event to be held on Saturday, April 28th at Gupton Stadium.

- A.12 City Manager Report: Review Of The January Monthly Financial Report.
Joseph Gonzales, Interim Finance Director, presented the January Monthly Financial Report.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Movant: Mayor Pro Tem Moore

Second: Councilmember Tracy

Vote: 6:0 with Place One vacant

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of February 23, 2012.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Special Called Meeting Of February 29, 2012.
Approved under the Consent Agenda.
- B.3 Approval Of City Council Minutes From The Regular Scheduled Meeting Of March 8, 2012.
Approved under the Consent Agenda.
- B.4 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of January 23, 2012.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Suspending The Implementation Of The Interim Rate Adjustment Under Section 104.301 Of The Texas Utilities Code By Texas Gas Service Company.
Approved under the Consent Agenda.
- Ordinance Number G47.12.04.12.C1**
- C.2 (OA-12-003) Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning, Article 11.12 Definitions, Chapter 14 Site Development Ordinance, Section 14.07.007 Fencing Requirements-Residential, Section 14.07.008 Fencing Requirements-Non-Residential, And Section 14.12.001 General Definitions To Add Further Regulations Regarding Residential And Non-Residential Fence Requirements. **The Planning And Zoning Commission Voted 7-0 To Approve The Amendment.**

Approved under the Consent Agenda.

Ordinance Number CO48.12.04.12.C2

- D.1 A Resolution Authorizing A Special Permit To Hold A 5K Run And Fitness Festival At Veterans Memorial Park.

Approved under the Consent Agenda.

Resolution Number R95.12.04.12.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Duathlon Race At Brushy Creek Sports Park.

Approved under the Consent Agenda.

Resolution Number R96.12.04.12.D2

- D.3 A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With the Capital Metropolitan Transportation Authority (CapMetro) For City Installation And Maintenance Of A Traffic Signal Conduit Within CapMetro Right-of-Way At The Brushy Creek Road / BMC Drive Intersection.

Approved under the Consent Agenda.

Resolution Number R97.12.04.12.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute An Election Services Agreement With The Williamson County Elections Department.

Approved under the Consent Agenda.

Resolution Number R98.12.04.12.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Joint Election Agreement Between The City Of Cedar Park, Williamson County Elections Department And Participating Entities For General And Special Elections.

Approved under the Consent Agenda.

Resolution Number R99.12.04.12.D5

- D.6 A Resolution Authorizing and Directing The City Manager To Apply For The Capital Area Council of Governments ("CAPCOG") Regional Solid Waste Grant Program for 2013.

Approved under the Consent Agenda.

Resolution Number R100.12.04.12.D6

- D.7 A Resolution Designating Michael Clanton As The Emergency Management Coordinator And James Mallinger As The Assistant Emergency Management Coordinator For The City Of Cedar Park.

Approved under the Consent Agenda.

Resolution Number R101.12.04.12.D7

- D.8 A Resolution Authorizing And Directing The City Manager To Execute A Contract With Herzog Contracting Corporation in the Amount of \$111,800. For The Construction Of A Private Rail Crossing Under The Brushy Creek Road (US 183A To Parmer Lane) Roadway Improvement Project.

Approved under the Consent Agenda.

Resolution Number R102.12.04.12.D8

- D.9 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Leander Independent School District ("LISD") To Use The Gupton Stadium Parking Lot For The Fifth Annual Household Hazardous Waste Cleanup On April 28, 2012.

Approved under the Consent Agenda.

Resolution Number R103.12.04.12.D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute An Agreement With The Lower Colorado River Authority ("LCRA") To Use The Household Hazardous Waste Trailer For The Fifth Annual Household Hazardous Waste Cleanup On April 28, 2012.

Approved under the Consent Agenda.

Resolution Number R104.12.04.12.D10

- D.11 A Resolution Authorizing And Directing The City Manager To Grant An Underground Utility Easement And Execute A Developer Service Agreement With Pedernales Electric Cooperative To Provide Underground Electrical Service To The Field Operations Expansion Project.

Approved under the Consent Agenda.

Resolution Number R105.12.04.12.D11

- D.12 Authorization To Excuse The Absence Of Mayor Pro Tem Lowell Moore From The March 22, 2012 Regular Scheduled Meeting.

Approved under the Consent Agenda.

PUBLIC HEARINGS

- E.0 First Reading And Public Hearing: No Items For Consideration.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Review And Update Of The Comprehensive Plan Request For Qualification And Process.
Rawls Howard, Planning and Development Services Director, addressed Council regarding updating the Comprehensive Plan.

General discussion followed regarding the process to be used, Council representation on the Selection Committee, and the Steering Committee and process.

Mayor Pro Tem Moore commented on the original Comprehensive Plan and the process to utilize citizens' comments and input thru the use of charrettes.

Mayor Lemon stated the first Comprehensive Plan was very important to guide the growth of the City. This update is even more important with the City almost being fully built out.

No action taken.

- F.2 (OA-11-010) Consideration For The Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts And Regulations, Division 33 Corridor Overlay Regarding Permitted Uses In The Corridor Overlay. **The Planning And Zoning Commission Voted 6-1 To Approve The Amendment.**

Rawls Howard, Planning and Development Services Director, stated from Council's discussion on this item from the March 22nd meeting, staff is recommending this item be withdrawn pending the adoption of the City's new Comprehensive Plan.

Motion to withdraw Agenda Item F.2.

Movant: Councilmember Dale

Second: Councilmember Fuller

Vote: 6:0 with Place One Vacant

- F.3 (OA-11-009) Consideration For The Second Reading And Approval Of An Ordinance Amending Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts And Regulations; Article 11.03 Height, Setback And Lot Requirements For All Districts; And Article 11.12 Definitions; And Adding Article 11.05 Architectural Design Standards Regarding Amendments And Additions Relating To Masonry Construction Requirements. **The Planning And Zoning Commission Voted 4-3 To Recommend Approval Of The Proposed Amendments With The Exception Of The Increased Masonry Requirements In The Residential Districts.**

Rawls Howard, Planning and Development Services Director, addressed Council regarding the proposed amendments to the Masonry Construction Requirements. From the March 22nd Council meeting there were concerns regarding the requirements for 2 masonry materials on a structure were expressed and the direction to remove this standard. Staff has removed that language from the proposed ordinance. Additionally, whereas staff had an original recommendation going into the process, staff is also equally supportive of P&Z's recommendation as it keeps in-line with the "no net decrease" position staff held at the beginning of the discussions.

Mayor Lemon allowed Public Comment:

Leila Wurst encouraged Council to support the increase for masonry standards.

Harry Savio, Home Builders Association, addressed consumer choice and stated there are no provisions for grandfathering. He supports no change to the current ordinance.

General discussion followed:

Mayor Lemon supports the higher standard. This is not just an aesthetic issue but also a safety issue. He commented on the fire at Middle Brook Apartments and the dangers of vinyl siding.

Councilmember Tracy addressed grandfathering for existing residential areas, and on the lack of requirements for the secondary masonry.

Mayor Pro Tem Moore inquired if there was a specific issue driving the proposed amendments.

Councilmember Dale stated he agrees with the Mayor and is also not interested in two types of masonry. He supports the Planning and Zoning recommendation.

Councilmember Tracy inquired about the market driven concept and spec homes. Homes could possibly be built below that standard.

Mayor Pro Tem asked for masonry to be defined.

Councilmember Fuller state he would support 75% for single family residential.

Motion to approve Agenda F.3 as recommended by the Planning and Zoning Commission with the change of not requiring two types of masonry.

Movant: Councilmember Dale

Second Councilmember Mitchell

Vote: 5:1 with Councilmember Fuller voting against and Place One vacant.

Ordinance Number CO49.12.04.12.F3

- F.4 Update On The City Website Project - Jennie Huerta, Media Relations Manager.
Jennie Huerta, Media Relations Manager, provided Council with the updated City Website.**

General discussion followed on the features, possible changes and corrections.

- F.5 Consideration Of Recognition Of Prior Council Members. (Moore)
Mayor Pro Tem Moore requested this item in relation to the TML conference he attended.**

He stated there are a number of people who have served and the volume of talent could be a valuable resource. He said there is a TML affiliate of former mayors and councilmembers and inquired if the City Council would consider funding the membership fee. Also, there could be the possibility of attendance at the TML annual conference.

General discussion followed for the support of this by Council.

- F.6 Consideration Of Appointing A Council Representative To Attend The International Council For Shopping Centers Conference As A City Representative For The Purposes Of Promoting Economic Development In Cedar Park. (Fuller)
Councilmember Fuller requested this item and addressed the importance of the Conference. He would like to attend this year.

Phil Brewer, Economic Development Director, stated a small group comprised of a Council Representative, City Manager and himself attend the Conference. There is very limited meeting space.

Motion to appoint Councilmember Fuller as the Council Representative.

Movant: Mayor Lemon

Second: Councilmember Mitchell

Vote: 6:0 with Place One vacant

- F.7 Consideration For The Renaming Of Creekside Park To Janet Bartles Park. (Moore)
Agenda Item F.7 called after the Consent Agenda.

Mayor Pro Tem Moore addressed Council regarding his request to rename the park to Janet Bartles Park.

Curt Randa, Parks and Recreation Director, addressed the renaming and the placement of a memorial monument. The Parks and Recreation Board did vote in favor of the name change.

General discussion followed on Janet Bartles dedication to the City and her many accomplishments.

Motion to rename Creekside Park to Janet Bartles Park.

Movant: Mayor Pro Tem Moore

Second: Councilmember Mitchell

Vote: 6:0 with Place One vacant

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of

the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 8:30 p.m.

G.0 Executive Session

G.1 Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.

a. Legal Issues Concerning Fire Protection Services In The City's Extra Territorial Jurisdiction ("ETJ").

b. Legal Issues Concerning Zoning Laws.

c. Legal Issues Concerning Agreements For The Water Park Project.

G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

a. Legal Issues Concerning The Lease Of Rental Space At The City Hall Campus.

G.3 Section 551.087 Deliberation Regarding Economic Development Negotiations

a. Legal Issues Regarding An Economic Development Agreement For A Major Retail Development.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

Council reconvened from Executive Session into Open Meeting at 10:07 p.m.

Motion to authorize and direct the City Manager to execute a lease agreement with Timberland Medical Group for 450 Cypress Creek Road, Building Five pending final approval of the City Attorney.

Movant: Councilmember Mitchell

Second: Mayor Pro Tem Moore

Vote: 6:0 with Place One vacant


H.1 Mayor And Council Closing Comments.

Councilmember Fuller stated he would not be able to attend the April 26th meeting in the new Council Chambers.

H.2 Adjournment.

Mayor Lemon adjourned the meeting at 10:09 p.m.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2012.


Robert S. Lemon, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

